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Docket No. FAPESP 203/10026221

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Dr. Adilson LEITE

Application No.: 09/870,498

Group Art Unit: 1654

Filed: June 1, 2001

Examiner: Louise N. Leary

For: ANTIMICROBIAL PEPTIDES AND
METHODS FOR IDENTIFYING AND USING
SUCH PEPTIDES

**RESPONSE TO NOTICE OF DRAWING
INCONSISTENCY WITH SPECIFICATION**

Commissioner of Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is in response to the Notice of Drawing Inconsistency With Specification dated August 25, 2001 in this application setting a one month period for reply.

The Remarks section begins on page 2.

REMARKS

The Notice Of Drawing Inconsistency With Specification states:

“The drawings filed 11-4-03 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the Specification”

and,

“Figures 6 are listed in the Brief Description Of The Drawings in the specification but not contained in the drawings.”

Applicants respectfully disagree.

Enclosed is a copy of applicants' date stamped postcard receipt filed with the application indicating 6 sheets of drawings were filed. See also the application as published on the USPTO website, publication no. 2003/0148397 which presents 6 figures on six sheets.

In view of the foregoing, it is clear that no inconsistency exists between the drawings submitted with the application and the six figures listed in the Brief Description Of The Drawings.

In the Notice of Draftsperson's Patent Drawing Review (copy enclosed) included in the Office Action dated April 18, 2003 the Draftsman only objected to Figures 2, 3, 4 and 5. No objection was raised to Figure 6. Applicant filed a Supplemental Response for Submission of Formal Drawings on July 18, 2004 submitting formal drawings of Figures 1-5, a total of 6 sheets. A copy of the date stamped postcard receipt for those formal figures is enclosed. A copy of the Supplemental Response was refiled on November 4, 2003 with copies of formal drawings, Figures 1-5 (six sheets). A copy of the date stamped postcard receipt for that submission is also enclosed.

The Notice of Drawing Inconsistency with Specification does not indicate which of the formal drawings previously submitted is now missing. As such, Applicants resubmit the formal drawings of Figures 1-5 and although the Notice of Draftsperson's Patent Drawing Review did not object to Figure 6, and a formal drawing of Figure 6 has not yet been particularly requested, applicants submit concurrently herewith a formal drawing of Figure 6 as well.

No fee is believed to be due for this submission. However, the Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 06-2375.

Dated: Sept. 16, 2004

Respectfully submitted,

By Mary Anne Schofield
Mary Anne Schofield
Registration No.: 36,669

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Attorneys for Applicant



IN THE U.S. PATENT OFFICE
PLEASE COME TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

PATENT

Today's date: June 1, 2001

Att'y Docket: **FAPESP 203 (10026221)**
Applicant: Adilson Leite, et al.
Application No.: Not yet assigned
Filed: Concurrently herewith
For: **ANTIMICROBIL PEPTIDES AND METHODS FOR IDENTIFYING AND USING
SUCH PEPTIDES**

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

1. Transmittal Letter
2. Utility Patent Application Transmittal
3. Fee Transmittal
4. Specification (56 pages)
5. Drawings (6 sheets)
6. Unexecuted Declaration
7. Check in the amount of \$872.00 to cover filing fees

MAS/vc
#25007175



Mary Anne Schofield
Fulbright & Jaworski L.L.P.
801 Pennsylvania Avenue, N.W.
Washington, D.C. 20004



Examiner Leary

AU1654

Form PTO 94S (Rev. 03/01)

U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office

Application No. 09/870498

NOTICE OF DRAFTSPERSON'S
PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 6/1/2001 are:

A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.

B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:
Black ink. Color.
Color drawings are not acceptable until petition is granted.
Fig(s) _____
Pencil and non black ink not permitted. Fig(s) _____
2. PHOTOGRAPHS. 37 CFR 1.84(b)
1 full-tone set is required. Fig(s) _____
Photographs may not be mounted. 37 CFR 1.84(e)
Poor quality (half-tone). Fig(s) _____
3. TYPE OF PAPER. 37 CFR 1.84(c)
Paper not flexible, strong, white, and durable.
Fig(s) _____
Erasures, alterations, overwritings, interlineations,
folds, copy machine marks not accepted. Fig(s) _____
Mylar, velum paper is not acceptable (too thin).
Fig(s) _____
4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:
21.0 cm by 29.7 cm (DIN size A4)
21.6 cm by 27.9 cm (8 1/2 x 11 inches)
All drawing sheets not the same size.
Sheet(s) _____
Drawings sheets not an acceptable size. Fig(s) _____
5. MARGINS. 37 CFR 1.84(g): Acceptable margins:
Top 2.5 cm Left 2.5cm Right 1.5 cm Bottom 1.0 cm
SIZE: A4 Size
Top 2.5cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
SIZE: 8 1/2 x 11
Margins not acceptable. Fig(s) _____
Top (T) _____ Left (L) _____
Right (R) _____ Bottom (B) _____
6. VIEWS. 37 CFR 1.84(h)
REMINDER: Specification may require revision to
correspond to drawing changes.
Partial views. 37 CFR 1.84(h)(2)
Brackets needed to show figure as one entity.
Fig(s) _____
Views not labeled separately or properly.
Fig(s) _____
Enlarged view not labeled separately or properly.
Fig(s) _____
7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)
Hatching not indicated for sectional portions of an object.
Fig(s) _____
Sectional designation should be noted with Arabic or
Roman numbers. Fig(s) _____
8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)
Words do not appear on a horizontal, left-to-right fashion
when page is either upright or turned so that the top
becomes the right side, except for graphs. Fig(s) _____
9. SCALE. 37 CFR 1.84(k)
Scale not large enough to show mechanism without
crowding when drawing is reduced in size to two-thirds in
reproduction.
Fig(s) _____
10. CHARACTER OF LINES, NUMBERS, & LETTERS.
37 CFR 1.84(j)
Lines, numbers & letters not uniformly thick and well
defined, clean, durable, and black (poor line quality).
Fig(s) 2, 3, 4, 5
11. SHADING. 37 CFR 1.84(m)
Solid black areas pale. Fig(s) _____
Solid black shading not permitted. Fig(s) _____
Shade lines, pale, rough and blurred. Fig(s) 2, 3, 4, 5
12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.
37 CFR 1.84(p)
Numbers and reference characters not plain and legible.
Fig(s) _____
Figure legends are poor. Fig(s) _____
Numbers and reference characters not oriented in the
same direction as the view. 37 CFR 1.84(p)(1)
Fig(s) _____
English alphabet not used. 37 CFR 1.84(p)(2)
Fig(s) _____
Numbers, letters and reference characters must be at least
.32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)
Fig(s) _____
13. LEAD LINES. 37 CFR 1.84(q)
Lead lines cross each other. Fig(s) _____
Lead lines missing. Fig(s) _____
14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)
Sheets not numbered consecutively, and in Arabic numerals
beginning with number 1. Sheet(s) _____
15. NUMBERING OF VIEWS. 37 CFR 1.84(u)
Views not numbered consecutively, and in Arabic numerals,
beginning with number 1. Fig(s) _____
16. CORRECTIONS. 37 CFR 1.84(w)
Corrections not made from prior PTO-94S
dated _____
17. DESIGN DRAWINGS. 37 CFR 1.152
Surface shading shown not appropriate. Fig(s) _____
Solid black shading not used for color contrast.
Fig(s) _____

COMMENTS



Atty Docket No.: F SP 203/10026221

Inventor: Dr. Adilson Leite

Application No.: 09/870,498

Filing Date: June 1, 2001

Title: ANTIMICROBIAL PEPTIDES AND METHODS FOR IDENTIFYING AND USING SUCH PEPTIDES

Documents Filed:

SUPPLEMENTAL RESPONSE SUBMISSION OF FORMAL DRAWINGS (6 DRAWING SHEETS)



Via: PTO Daily Run

Sender's Initials: MAS:pmt

Date: July 18, 2003 ✓



Atty Docket No.: F/ SP 203/10026221

Inventor: Adilson Leite

Application No.: 09/870,498

Filing Date: June 1, 2001

Title: ANTIMICROBIAL PEPTIDES AND METHODS FOR IDENTIFYING AND USING SUCH PEPTIDES

Documents Filed:

REQUEST TO RECSIND NOTICE OF ABANDONMENT

COPY OF JULY 2, 2003 RESPONSE AND DATE STAMPED POSTCARD

COPY OF JULY 18, 2003 SUPPLEMENTAL RESPONSE
SUBMISSION OF FORMAL DRAWINGS (6 DRAWING SHEETS)
AND DATE STAMPED POSTCARD

COPY OF NOTICE OF ABANDONMENT



Via: PTO Daily Run

Sender's Initials: MAS:pmt

Date: November 4, 2003

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